

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

PEGGY CARRILLO,

Plaintiff,

vs.

B&J ANDREWS ENTERPRISES, LLC, *et al.*,

Defendants.

Case No. 2:11-cv-01450-JAD-CWH

**ORDER**


This matter is before the Court on Defendants First Columbia Community Management, Inc. and Boulder Oaks Community Association's Motion for Fees Pursuant to Federal Rule of Civil Procedure 37 (#134), filed February 8, 2013; Plaintiff's Response (#138), filed February 20, 2013; and Defendants' Reply (#139), filed February 26, 2013.

The motion for fees (#134) stems from the Court's January 29, 2013 discovery order (#130). In that order, the undersigned found that Plaintiff had failed to comply with certain Rule 26(a) disclosure requirements, imposed certain limiting sanctions under Rule 37(c), and invited Defendants to submit a motion for reasonable expenses, including attorney's fees under Rule 37(c)(1)(A). An award of expenses under Rule 37(c)(1)(A) is not mandatory and the invitation to submit a motion for fees was not an order imposing a fee award. It was an opportunity for the parties to be heard on the question of whether fees should be awarded. Before the Court could address the motion for fees, the parties to the fee dispute settled the case as to their claims against each other. In the motion for determination of good faith settlement (#146), the parties set forth the monetary terms of the settlement which includes a term that "all parties . . . bear their own attorneys' fees and costs" associated with the action. Based on the settlement agreement, the Court finds that the motion for fees (#134) is moot. Accordingly,

**IT IS HEREBY ORDERED** that Defendants First Columbia Community Management,

1 Inc. and Boulder Oaks Community Association's Motion for Fees Pursuant to Federal Rule of Civil  
2 Procedure 37 (#134) is **denied as moot**.

3 DATED: November 12, 2013.

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7 **C.W. Hoffman, Jr.**  
8 **United States Magistrate Judge**  
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